

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

FACTOR 2 MULTIMEDIA SYSTEMS, LLC,

Plaintiff,

v.

6:24-cv-00362-XR

EARLY WARNING SERVICES, LLC;  
BANK OF AMERICA CORPORATION;  
TRUIST FINANCIAL CORPORATION;  
CAPITAL ONE FINANCIAL CORPORATION;  
JPMORGAN CHASE & CO.;  
THE PNC FINANCIAL SERVICES GROUP, INC.;  
U.S. BANCORP; and  
WELLS FARGO & COMPANY,

Defendants.

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**AGREED MOTION FOR EXTENSION OF TIME FOR CAPITAL ONE FINANCIAL  
CORPORATION TO ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT**

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Defendant Capital One Financial Corporation (“Capital One”) files this Agreed Motion for Extension of Time to Answer or Otherwise Respond to the Complaint (“Motion”) requesting that the Court extend Capital One’s time to answer or otherwise respond to Plaintiff Factor 2 Multimedia Systems, LLC’s (“Factor 2”) Complaint in this action for forty-five (45) days up to and including Monday, October 22, 2024.

Capital One was served on August 15, 2024, making its response due on Thursday, September 5, 2024. Capital One respectfully requests that the deadline to answer or otherwise respond to the Complaint be extended by forty-five (45) days to Monday, October 22, 2024. Because forty-five (45) days from September 5, 2024 falls on Saturday, October 20, 2024, under Fed. R. Civ. P. 6(a)(1), Capital One’s deadline to answer or otherwise respond should be extended to the following Monday, October 22, 2024.

Counsel for Capital One conferred with counsel for Factor 2, and an agreement was reached to extend the deadline for Capital One to answer or otherwise respond to the Complaint by forty-five (45) days.

Dated: September 4, 2024

Respectfully Submitted,

/s/ Charles E. Phipps

Charles E. Phipps

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COUNSEL FOR DEFENDANT  
CAPITAL ONE FINANCIAL  
CORPORATION

**CERTIFICATE OF SERVICE**

I hereby certify that on September 4, 2024, I electronically filed the foregoing with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to all counsel of record.

/s/ Charles E. Phipps  
Charles E. Phipps

**CERTIFICATE OF CONFERENCE**

Counsel for Defendant Capital One Financial Corporation and counsel for Plaintiff Factor 2 Multimedia Systems, LLC conferred regarding a forty-five (45) day extension for Defendant to answer or otherwise respond to Plaintiff's Complaint. Counsel for Plaintiff indicated that Plaintiff was amenable to the extension.

/s/ Charles E. Phipps  
Charles E. Phipps